

## CHAPTER 9

## WAGE-HOUR RULES

### 900 GENERAL PROVISIONS

900.1 The District of Columbia Wage-Hour Office and Wage-Hour Board were established by Reorganization Plans No. 1 of 1978 and 1980, effective June 27, 1978, and April 17, 1980.

900.2 The purpose of this chapter is to set forth the rules relating to minimum wage, overtime compensation, wage payment and wage collection, wage garnishment, and procedures of the Wage-Hour Board.

900.3 The provisions of this chapter are promulgated pursuant to authority set forth in Reorganization Plans No. 1 of 1978 and 1980, the District of Columbia Minimum Wage Act of 1918, as amended (D.C. Code 36-201, et seq., 1981 ed.), and Commissioners Order 73-31, February 1, 1973.

900.4 The Wage-Hour Board, District of Columbia Department of Employment Services, is vested with the authority to issue wage orders which require employers to pay minimum wages, overtime compensation, and related benefits to persons employed by employers other than the United States or District of Columbia governments.

900.5 The Wage-Hour Office, District of Columbia Department of Employment Services, plans and administers a program to ensure compliance with the District of Columbia Minimum Wage Act, Wage Payment and Wage Collection Law, Seats Law, and the Wage Garnishment Law's prohibition against discharging employees whose wages are subject to wage garnishment.

### 901 TIME OF PAYMENT

901.1 Every employer shall establish a regular periodic payday for each employee and shall pay to each employee on that payday not less than the wages due for the pay period.

### 902 BASIS OF PAYMENT

902.1 Irrespective of the basis of payment, whether time rate, piece rate, bonus, or commission, no employer shall pay any employee less than the wages required by this chapter.

**903 UNCONDITIONAL PAYMENT OF WAGES**

- 903.1 Every employer shall unconditionally pay each employee the wages due the employee. Wages shall not be considered unconditionally paid if the employee pays directly or indirectly to the employer any part of the wages paid the employee by the employer.

**904 DEDUCTIONS**

- 904.1 No employer shall make any deductions, except those deductions specifically authorized by law or court order, or those allowances specifically identified in §§930-974, which would bring the employee's wages below those required by this chapter without the written consent of the employee and the written approval of the Wage-Hour Board.

**905 UNLAWFUL CHARGES**

- 905.1 No employer shall charge an employee or require or permit an employee to pay directly or indirectly to the employer for breakage, walkouts, mistakes on customer checks and similar charges, or to pay fines, assessments, or charges if that payment reduces the employee's wages below the wages required by this chapter.

**906 WAGE STATEMENT**

- 906.1 Every employer shall furnish to each employee at the time of payment of wages an itemized statement showing the following information:
- (a) The date of the wage payment;
  - (b) Gross wages paid (showing separately the earnings for overtime and nonovertime hours worked);
  - (c) An itemization of allowances and deductions from and additions to wages;
  - (d) Net wages paid;
  - (e) Hours worked during the pay period; and
  - (f) Any other information as may be prescribed by the Council of the District of Columbia.

**906 WAGE STATEMENT (Continued)**

**906.2** The wage statement required by §906.1 need not be furnished to any employee employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman (as these terms are defined by the Secretary of Labor under the Fair Labor Standards Act of 1938, as amended).

**906.3** For an employee employed pursuant to §912, the itemized statement shall also show separately the amount of commissions and the amount of noncommission straight-time earnings.

**907 MINIMUM DAILY WAGE**

**907.1** Every employer shall pay an employee, except an employee who resides on the premises of the employer as specified in §930 and §936, for at least four (4) hours for each day on which the employee reports for work under general or specific instructions but is given no work or is given less than four (4) hours of work, except that if the employee is regularly scheduled for less than four (4) hours a day, the employee shall be paid for the hours regularly scheduled.

**907.2** The minimum daily wage shall be calculated as follows: payment at the employee's regular rate for the hours worked plus payment at the applicable minimum wage specified in §§930-974 for the hours not worked.

**908 SPLIT SHIFT AND EXCESSIVE SPREAD OF HOURS**

**908.1** In addition to the wages required by this chapter, every employer shall pay an employee for one (1) additional hour at the applicable minimum wage for each day during which the following conditions exist:

(a) The employee works a split shift; or

(b) The total time between the beginning and ending of the employee's workday exceeds ten (10) hours.

**908.2** The provisions of this section shall not apply to §930 and §936 if the employee lives on the premises of the employer.



909

**WAGES OF HANDICAPPED WORKERS**

909.1 The Wage-Hour Board may issue certificates to employers authorizing the employment of handicapped workers specified in the certificates at wages lower than the minimum wage prescribed for the applicable occupations set forth in §§930-974 for such periods of time and at rates as shall be fixed in the certificates.

909.2 The employer shall apply for a certificate before the employee begins work. Application shall be made in duplicate on forms provided by the Wage-Hour Board.

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**YOUTH EMPLOYMENT ACT OF 1979, AS AMENDED**

910.1 Persons employed pursuant to the Youth Employment Act of 1979, as amended (D.C. Law 3-46 effective January 5, 1980), shall be paid not less than the wages required by that Act.

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**JOB TRAINING PARTNERSHIP ACT**

911.1 Persons employed pursuant to the Job Training Partnership Act (Public Law 97-300 effective October 13, 1982) shall be paid not less than the wages required by that Act.

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**EMPLOYEES COMPENSATED PRINCIPALLY BY COMMISSIONS**

912.1 No employer shall be considered to have violated §913 by employing any employee of a retail or service establishment in excess of forty (40) hours per workweek if the following conditions exist:

(a) The regular rate of pay of the employee is in excess of one and one-half (1 1/2) times the minimum hourly rate applicable to him or her under the applicable wage order specified in §§930-974; and

(b) More than half of his or her compensation for a representative period (not less than one (1) month) represents commissions on goods or services.

912.2

In determining the proportion of compensation representing commissions, all earnings resulting from the application of a bona fide commission rate shall be considered commissions on goods or services without regard to whether the computed commissions exceed the draw or guarantee.



**913 OVERTIME COMPENSATION**

**913.1** No employer shall employ any employee, except as may be permitted elsewhere in this chapter, for a workweek longer than forty (40) hours unless that employee receives compensation for working time in excess of forty (40) hours at a rate not less than one and one-half (1 1/2) times the regular rate at which he or she is employed.

**913.2** Overtime compensation under the District of Columbia Minimum Wage Act of 1918, as amended, shall be paid in accordance with Title 29 of the Code of Federal Regulations, Part 778, Overtime Compensation Under the Fair Labor Standards Act of 1938, as amended; Provided, that Subpart A (General Considerations), Subpart E (Exceptions From the Regular Rate Principles), Subpart G (Miscellaneous), and §778.101 (Maximum Nonovertime Hours) shall have no force and effect.

**914 RECORDS**

**914.1** Every employer shall make, keep, and preserve for a period of not less than three (3) years an accurate record for each employee containing the following information:

- (a) Name in full;
- (b) Social security number;
- (c) Occupation of the employee;
- (d) Address, including ZIP Code;
- (e) Date of birth if under nineteen (19) years of age;
- (f) Total number of hours worked each workday and each workweek;
- (g) If employee works a split shift, a daily record of the hours of beginning and stopping work and the hours of beginning and ending the meal recess;
- (h) Time of day and day of week on which employee's workweek begins;
- (i) Regular hourly rate of pay;
- (j) Basis on which wages are paid;

**914 RECORDS (Continued)**

**914.1 (Continued)**

- (k) Total daily or weekly straight-time earnings and excess overtime earnings for the workweek, or, total earnings for non-overtime hours worked during the workweek and total earnings for overtime hours worked during the workweek;
- (l) For each pay period, deductions from and additions to wages;
- (m) Total gross and net wages paid each pay period; and
- (n) Date of payment and the pay period covered by payment.

**914.2** In addition to the information required by §914.1, if the employee is paid pursuant to §912, the following information shall also be kept by the employer:

- (a) A symbol placed on the payroll record identifying each employee who is paid pursuant to §912;
- (b) An indication whether the employee's regular rate of pay in each workweek is in excess of one and one-half (1 1/2) times the applicable minimum hourly rate as set forth in §§930-974 and that records are available to demonstrate this fact;
- (c) A copy of the agreement or understanding under which §912 is utilized, or, if the agreement or understanding is not in writing, a summary of its terms including the basis of compensation and showing the applicable representative period and the date it was entered into and how long it remains in effect; and
- (d) Total compensation paid each pay period showing separately the amount of commissions and the amount of noncommission straight-time earnings.

**914.3** If an employee is paid pursuant to §910 or §911, evidence to document that the employee was paid pursuant to e §910 or §911.

**914.4** The records required pursuant to this section shall be open and made available for inspection, transcription, or reproduction in the District of Columbia at any reasonable time by representatives of the Wage-Hour Office, District of Columbia Department of Employment Services.

**914.5** An employer shall not be required to keep records specified in paragraphs (f), (g), (i), (j), (k), and (l) of §914.1 for any employee employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman (as such terms are defined by the U.S. Secretary of Labor under the Fair Labor Standards Act of 1938, as amended).



**914 RECORDS (Continued)**

914.6 An employer shall not be required to keep the records specified in paragraphs (i), (j), and (k) of §914.1 for any employee employed pursuant to §912.

914.7 Recordkeeping provisions of §914.1 do not apply to §930, Private Household Worker Occupation Wage Order. Recordkeeping requirements applicable to employers employing private household workers are detailed in §930. Additional recordkeeping requirements peculiar to a particular occupation are detailed in the applicable section.

**915 POSTING**

915.1 Every employer subject to this chapter shall keep a copy of the poster(s), issued by the Wage-Hour Board, applicable to their establishment posted in a conspicuous and accessible place in their establishment where any employee covered by it is employed.

**916 COLLECTION OF UNPAID WAGES**

916.1 Any employer who fails to pay the applicable wages required by this chapter shall pay to the Wage-Hour Office, District of Columbia Department of Employment Services, an amount equal to the unpaid wages, which amount shall be distributed by the Wage-Hour Office to the employees due the unpaid wages.

916.2 Unpaid wages which cannot be paid due to inability to locate employees or refusal of employees to accept the unpaid wages shall escheat to the District of Columbia government in accordance with §42-201-242, D.C. Code, 1981 ed.

**917 SEPARABILITY**

917.1 If any provision of this chapter or the application of it to any person or circumstances is held invalid, the rest of the chapter and its application to other persons or circumstances shall be unaffected.

**918 PENALTIES FOR VIOLATION**

918.1 Any person who willfully violates any provision of the District of Columbia Minimum Wage Act shall upon conviction be subject to a fine of not more than ten thousand dollars (\$10,000), or to imprisonment of not more than six (6) months, or both. (See §14 of the District of Columbia Minimum Wage Act of 1918, as amended.)



**919****EMPLOYEE REMEDIES**

- 919.1 Pursuant to §15 of the District of Columbia Minimum Wage Act of 1918, as amended, the following employee remedies are provided:
- (a) The employer is liable to the employee in the amount of any unpaid wages plus an equal amount as liquidated damages;
  - (b) The Wage-Hour Office may take an assignment in trust of a wage claim for an employee and bring any legal action necessary to collect the claim; and
  - (c) The Wage-Hour Office may supervise the payment of unpaid wages owing employees.

**§§920 - 929: RESERVED**

**930****PRIVATE HOUSEHOLD WORKER OCCUPATION WAGE ORDER**

- 930.1 This section applies to employees in the private household worker occupation defined in §930.13 employed in the following industry (industry code designation of the "Standard Industrial Classification Manual, 1972" is indicated in parentheses): private households (88).
- 930.2 No employer shall employ any employee at a wage less than three dollars and ninety cents (\$3.90) an hour for each hour of working time except as may be provided elsewhere in this chapter.
- 930.3 The minimum wage and overtime provisions of §930.2 and §913 shall not apply with respect to any employee employed in a bona fide executive, administrative, or professional capacity (as these terms are defined by the U.S. Secretary of Labor under the Fair Labor Standards Act of 1938, as amended). The overtime provisions of §913 shall not apply to an employee employed as a companion to the aged or infirm.
- 930.4 An employer may employ an employee under the age of eighteen (18) at a wage less than the minimum wage provided in §930.2.
- 930.5 An employer shall pay a casual yard worker not less than three dollars and fifty cents (\$3.50) an hour.
- 930.6 An employer shall pay a babysitter, other than a casual babysitter, not less than three dollars and fifty cents (\$3.50) an hour.

- 930.7 An employer shall pay a companion for the aged or infirm not less than three dollars and fifty cents (\$3.50) an hour.
- 930.8 Items of expense incurred by an employee as a condition of employment shall be treated as follows:
- (a) Uniforms -- In addition to the wages required by this chapter the employer shall pay the cost of purchase, maintenance, and cleaning of uniforms except as follows:
    - (1) In lieu of purchasing, maintaining, and cleaning plain and washable uniforms, the employer may pay ten cents (10¢) per hour in addition to the wages required by this chapter;
    - (2) When the employer purchases but the employee maintains and cleans plain and washable uniforms the payment shall be five cents (5¢) per hour in addition to the wages required by this chapter; or
    - (3) When the employer cleans and maintains but the employee purchases plain and washable uniforms the payment shall be five cents (5¢) per hour in addition to the wages required by this chapter.
  - (b) Travel Expenses -- In addition to the wages required by this chapter, the employer shall pay the cost of travel expenses incurred by the employee as a condition of employment excluding travel to and from work.
- 930.9 An employer may deduct from an employee's wages allowances for the following:
- (a) Meals -- When the employer furnishes meals to the employee, not more than seventy-five cents (75¢) for breakfast, one dollar (\$1) for lunch, and one dollar and twenty-five cents (\$1.25) for dinner. The allowance for meals shall not exceed three dollars (\$3) a day;
  - (b) Lodging -- When the employer furnishes lodging to the employee, not more than fifteen dollars (\$15) a week for a single room; or not more than three-fourths (3/4) of the rental value of an apartment as determined by a comparison with the value of similar accommodations in the vicinity of those furnished; and

930 PRIVATE HOUSEHOLD WORKER OCCUPATION WAGE ORDER (Continued)

930.9 (Continued)

- (c) Other Facilities or Services -- When the employer furnishes the employee with other facilities or services he or she may deduct the reasonable cost or fair value as determined by the U.S. Secretary of Labor under the Fair Labor Standards Act of 1938, as amended.

930.10 Every employer shall make, keep, and preserve for a period of not less than three (3) years an accurate record for each employee containing the following information. No particular form of records is required, so long as the information is recorded:

- (a) Name in full;
- (b) Social security number;
- (c) Address in full, including ZIP Code;
- (d) Total hours worked each week by the employee for the employer;
- (e) Total cash wages paid each week to the employee by the employer;
- (f) Weekly sums claimed by the employer for board, lodging, or other facilities; and
- (g) Extra pay for weekly hours worked in excess of forty (40) hours by the employee for the employer.

930.11 Where an employee works on a fixed schedule, the employer may maintain the schedule of daily and weekly hours the employee normally works and may do the following:

- (a) Indicate by check mark, statement, or other method that such hours were actually worked; and
- (b) When more or less than the scheduled hours are worked, show the exact number of hours worked.

930.12 Records shall be open and made available for inspection, transcription or reproduction in the District of Columbia at any reasonable time by authorized representatives of the Wage-Hour Office, District of Columbia Department of Employment Services.



- 930.13 For purposes of this section, the term "**private household worker occupation**" means an occupation performed by individuals in or about the private home of the person by whom they are employed (including temporary dwelling places and separate and distinct dwellings maintained by individuals or families in apartment houses or hotels), including but not limited to, cooks, maids, butlers, personal attendants, housekeepers, child mentors, child monitors, houseworkers, homemakers, day workers, companions for the aged or infirm, nurses, home attendants, launderers, caretakers, gardeners, yard workers, chauffeurs of automobiles for family use, personal secretaries, and babysitters other than casual babysitters.
- 930.14 For purposes of this section, the term "**babysitter**" means a person employed to care for children under the age of eighteen (18) in or about the private home in which the children reside. Persons who spend more than twenty percent (20%) of their time on household work not directly related to caring for children shall not be considered a babysitter. Interpretations of the term "babysitter" shall be made in accordance with Title 29 Code of Federal Regulations, Part 552, Application of the Fair Labor Standards Act to Domestic Service.
- 930.15 For purposes of this section, the term "**casual babysitter**" means an individual who is employed as a babysitter on an irregular or intermittent basis and whose vocation is not babysitting. Interpretations of who is a "**casual babysitter**" shall be made in accordance with Title 29 Code of Federal Regulations, Part 552.5 (Casual Basis) and Part 552.104 (Babysitting Services Performed on a Casual Basis).
- 930.16 For purposes of this section, term "**casual yard worker**" means a person employed on an irregular or intermittent basis to care for the grounds of a private residence.
- 930.17 For purposes of this section, the term "**companion for the aged or infirm**" means a person employed to provide fellowship, care, and protection for persons who, because of advanced age or physical or mental infirmity, cannot care for their own needs. Included in the services performed by a companion is household work directly related to the care of the aged or infirm person such as meal preparation, bed making, washing of clothes, and other similar services. Persons who spend more than twenty percent (20%) of their time on household work not directly related to caring for the aged or infirm shall not be considered companions for the aged or infirm.

**930 PRIVATE HOUSEHOLD WORKER OCCUPATION WAGE ORDER (Continued)**

930.18 Wage Order No. 1 entitled "Private Household Worker Occupation," effective February 4, 1979, is hereby repealed, except with respect to rights accrued and liabilities incurred under the wage order prior to the effective date of this section and except with respect to violations of the wage order occurring prior to the effective date of this section.

930.19 This section became effective November 6, 1984.

**931 RETAIL TRADE OCCUPATION WAGE ORDER**

931.1 This section applies to employees in the retail trade occupation defined in §931.11 employed in the following industries (industry code designation of the "Standard Industrial Classification Manual, 1972" is indicated in parentheses):

- (a) Building materials, hardware, garden supply, and mobile home dealers (52);
- (b) General merchandise stores (53);
- (c) Food stores (54);
- (d) Automotive dealers and gasoline service stations (55);
- (e) Apparel and accessory stores (56);
- (f) Furniture, home furnishings, and equipment stores (57); and
- (g) Miscellaneous retail (59).

931.2 No employer shall employ any employee at a wage less than three dollars and fifty cents (\$3.50) for each hour of working time except as may be provided elsewhere in this chapter.

931.3 The minimum wage and overtime provisions of §931.2 and §913 shall not apply with respect to any employee employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman (as these terms are defined by the U.S. Secretary of Labor under the Fair Labor Standards Act of 1938, as amended).



- 931.4 The overtime provisions of §913 shall not apply with respect to the following persons:
- (a) Any salesman, partsman, or mechanic primarily engaged in selling or servicing automobiles, trailers, or trucks, if employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles to ultimate purchasers; or
  - (b) Any employee employed as an attendant at a parking lot or parking garage.
- 931.5 An employer shall pay an employee under the age of eighteen (18) not less than three dollars and thirty-five cents (\$3.35) an hour.
- 931.6 During the period October 15, 1982, to January 3, 1983, seasonal employees shall be paid not less than three dollars and thirty-five cents (\$3.35) an hour.
- 931.7 Persons hired during the period October 15, 1982, to January 3, 1983, shall be paid not less than three dollars and thirty-five cents (\$3.35) an hour during this period.
- 931.8 Items of expense incurred by an employee as a condition of employment shall be treated as follows:
- (a) Uniforms and protective clothing--In addition to the wages required by this chapter the employer shall pay the cost of purchase, maintenance, and cleaning of uniforms and special costumes and protective clothing (including hats and shoes) required by the employer or by law except as follows:
    - (1) In lieu of purchasing, maintaining, and cleaning plain and washable uniforms and costumes, the employer may pay ten cents (10¢) per hour in addition to the wages required by this chapter. Privilege of payment of ten cents (10¢) per hour shall not apply in the case of costumes or uniforms which are not plain and washable or in the case of protective clothing;
    - (2) When the employer purchases but the employee maintains and cleans plain and washable uniforms and costumes the payment shall be seven cents (7¢) per hour in addition to the wages required by this chapter; and



**931 RETAIL TRADE OCCUPATION WAGE ORDER (Continued)**

**931.8 (Continued)**

(3) When the employer cleans and maintains but the employee purchases plain and washable uniforms and costumes the payment shall be three cents (3¢) per hour in addition to the wages required by this chapter; and

(b) Travel expenses -- In addition to the wages required by this chapter, the employer shall pay the cost of travel expenses incurred by the employee as a condition of employment.

**931.9 An employer may deduct from an employee's wages allowances for the following:**

(a) Meals -- Not more than one dollar and seventy-five cents (\$1.75) for each meal furnished the employee by the employer with the following daily limitations:

(1) For four (4) or less hours of work, an allowance for not more than one (1) meal;

(2) For over four (4) hours of work, an allowance for not more than two (2) meals; and

(3) For an employee who lives at the place of employment, an allowance for not more than three (3) meals;

(b) Lodging -- Thirty dollars (\$30) per week or the actual rental value of the accommodations, whichever is lower; and

(c) Gratuity allowance for parking attendant -- Not more than forty cents (40¢) an hour shall be allowed as part of the wage required by §931.2.

**931.10 In addition to the records required by §914 of this chapter every employer subject to the provisions of §931 shall make, keep, and preserve for a period of not less than three (3) years an accurate record for each employee containing the following information:**

(a) If employee is a parking attendant, and the employer deducts a gratuity allowance pursuant to §931.9(c), the amount of gratuities reported by the employee as received per pay period or per month; and

(b) Evidence to document that persons are seasonal employees.

- 931.11 For purposes of this section, the term **"retail trade occupation"** includes any business primarily engaged in selling or offering for sale, not for resale, any goods, wares, merchandise, articles, or things, and all activities connected with or incidental to the operation of the business except restaurant, beauty culture, laundry, and dry cleaning activities.
- 931.12 For purposes of this section, the term **"retail trade occupation"** does not include any business primarily engaged in the following activities:
- (a) Preparing, producing, or processing and selling merchandise to retailers, to industrial, commercial, institutional or professional users, or to wholesalers;
  - (b) Selling merchandise to retailers, to industrial, commercial, institutional, or professional users, or to wholesalers; and
  - (c) Printing, publishing, or printing and publishing regardless of whether the merchandise is sold at retail or wholesale.
- 931.13 For purposes of this section, the term **"attendant at a parking lot or parking garage"** means any person who is employed to park or supervise the parking of automobiles at a parking lot or parking garage. A person employed as a cashier, guard, or maintenance person shall not be considered an "attendant at a parking lot or parking garage."
- 931.14 For purposes of this section, the term **"gratuities"** means voluntary monetary contributions received by an employee from a guest, patron or customer for services rendered.
- 931.15 An employer taking a gratuity allowance from the wage of an employee shall have the burden of proving the employee received in gratuities at least as much as the gratuity allowance taken.
- 931.16 For purposes of this section, the term **"seasonal employee"** means a person who is employed to work only during holiday seasons.
- 931.17 Wage Order No. 3 entitled "Retail Trade Occupation," effective December 28, 1976, is hereby repealed, except with respect to rights accrued and liabilities incurred under the wage order prior to the effective date of this section and except with respect to violations of the wage order occurring prior to the effective date of this section.
- 931.18 This section became effective September 20, 1982.



932

LAUNDRY AND DRY CLEANING OCCUPATION WAGE ORDER

- 932.1 This section applies to employees in the laundry and dry cleaning occupation defined in §932.8 employed in the following industries (industry code designation of the "Standard Industrial Classification Manual, 1972" is indicated in parentheses):
- (a) Laundry, cleaning, and garment services (721); and
  - (b) Shoe repair shops, shoe shine parlors, and hat cleaning shops (725).
- 932.2 No employer shall employ any employee at a wage less than three dollars and seventy cents (\$3.70) an hour for each hour of working time except as may be provided elsewhere in this chapter.
- 932.3 The minimum wage and overtime provisions of §932.2 and §913 shall not apply with respect to any employee employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman (as these terms are defined by the U.S. Secretary of Labor under the Fair Labor Standards Act of 1938, as amended).
- 932.4 An employer shall pay a person who has less than sixty (60) calendar days experience in the laundry and dry cleaning occupation not less than three dollars and fifty cents (\$3.50) an hour.
- 932.5 Items of expense incurred by an employee as a condition of employment shall be treated as follows:
- (a) Uniforms and protective clothing--In addition to the wages required by this chapter, the employer shall pay the cost of purchase, maintenance, and cleaning of uniforms and protective clothing; and
  - (b) Tools and Travel Expenses--In addition to the wages required by this chapter, the employer shall pay the cost of purchasing and maintaining any tools and the cost of travel expenses incurred by the employee as a condition of employment.
- 932.6 An employer may deduct from an employee's wages allowances for the following:
- (a) Meals--Not more than one dollar and forty-eight cents (\$1.48) for each meal furnished the employee by the employer with the following daily limitations:
    - (1) For (4) or less hours of work, an allowance for not more than two (2) meals; and



932

**LAUNDRY AND DRY CLEANING OCCUPATION WAGE ORDER**

(Continued)

932.6

(Continued)

- (2) For an employee who lives at the place of employment, an allowance for not more than three (3) meals;
- (b) Lodging--When the employer furnishes lodging to the employee, not more than eighty percent (80%) of the rental value of the lodging furnished as determined by a comparison with the value of similar accommodations in the vicinity of those furnished; and
- (c) Gratuity allowance for bootblacks--A maximum of thirty-five cents (35¢) an hour is allowed as part of the minimum wage of a person employed primarily as a bootblack. If a bootblack receives less than thirty-five cents (35¢) an hour in gratuities, the allowance shall be the lesser amount.

932.7

In addition to the records required by §914 of this chapter every employer subject to the provisions of §932 shall make, keep, and preserve for a period of not less than three (3) years an accurate record for each employee of any gratuity allowance taken by the employer, and the amount of gratuities reported by the employee as received per pay period or per month.

932.8

For purposes of this section, the term **"laundry and dry cleaning occupation"** includes the following:

- (a) Any business, or any part of the business, engaged in the washing, cleaning, finishing, refreshing, pressing, mending, or dyeing of any article of wearing apparel (including hats and shoes), household furnishings, textiles, fur, leather, or fabric of any kind;
- (b) Any business, or any part of the business, engaged in the collection, sale, resale, or distribution at retail or wholesale of any laundry or dry cleaning service; and
- (c) All activities connected with or incidental to the operation of the business or any part of the business.

932.9

For purposes of this section, the term **"gratuities"** means voluntary monetary contributions received by an employee from a guest, patron, or customer for services rendered.

932

**LAUNDRY AND DRY CLEANING OCCUPATION WAGE ORDER**

(Continued)

932.10 Wage Order No. 5 entitled "Laundry and Dry Cleaning Occupation," effective April 15, 1978, is repealed, except with respect to rights accrued and liabilities incurred under the wage order prior to the effective date of this section and except with respect to violations of the wage order occurring prior to the effective date of this section.

932.11 This section became effective January 7, 1984.

933

**BEAUTY CULTURE OCCUPATION WAGE ORDER**

933.1 This section applies to employees in the beauty culture occupation defined in §933.10 employed in the following industries (industry code designation of the "Standard Industrial Classification Manual, 1972" is indicated in parentheses):

- (a) Beauty shops (723);
- (b) Barber shops (724); and
- (c) Miscellaneous personal services (729) as follows:
  - (1) Beauty spas;
  - (2) Health clubs or spas;
  - (3) Massage parlors;
  - (4) Reducing salons;
  - (5) Scalp treatment service;
  - (6) Slenderizing salons;
  - (7) Health spas, except resort with lodging;
  - (8) Steam baths; and
  - (9) Turkish baths.

933.2 Irrespective of the basis of payment, whether time rate, piece rate, bonus, or commission, no employer shall pay any employee a wage less than three dollars and seventy-five (\$3.75) an hour for each hour of working time except as may be provided elsewhere in this chapter.

933

BEAUTY CULTURE OCCUPATION WAGE ORDER (Continued)

- 933.3 The minimum wage and overtime provisions of §933.2 and §913 shall not apply with respect to any employee employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman (as these terms are defined by the U.S. Secretary of Labor under the Fair Labor Standards Act of 1938, as amended).
- 933.4 An employer shall pay a barber apprentice not less than three dollars and ten cents (\$3.10) an hour.
- 933.5 An employer shall pay a student apprentice employed in a beauty shop not less than three dollars and ten cents (\$3.10) an hour.
- 933.6 An employer shall pay a learner not less than three dollars and ten cents (\$3.10) an hour.
- 933.7 Items of expense incurred by an employee as a condition of employment shall be treated as follows:
- (a) Uniforms--In addition to the wages required by this chapter, the employer shall pay the cost of purchase, maintenance, and cleaning of uniforms except as follows:
    - (1) In lieu of purchasing, maintaining, and cleaning plain and washable uniforms, the employer may pay seven cents (7¢) per hour in addition to the wages required by this chapter;
    - (2) When the employer purchases but the employee maintains and cleans plain and washable uniforms the payment shall be four cents (4¢) per hour in addition to the wages required by this chapter; or
    - (3) When the employer cleans and maintains but the employee purchases plain and washable uniforms the payment shall be three cents (3¢) per hour in addition to the wages required by this chapter.
  - (b) Travel expenses--In addition to the wages required by this chapter, the employer shall pay the cost of travel expenses incurred by the employee as a condition of employment, including travel costs involving training.
- 933.8 A maximum of twenty-five cents (25¢) an hour for gratuities is allowed as part of the wages required by §933.2, §§933.4-933.6, and §909.1, except that if the employee receives less than twenty-five cents (25¢) an hour in gratuities, the allowance shall be the lesser amount.



933 BEAUTY CULTURE OCCUPATION WAGE ORDER (Continued)

- 933.9 In addition to the records required by §914 of this chapter every employer shall make, keep, and preserve for a period of not less than three (3) years an accurate record for each employee containing the following information:
- (a) If a gratuity allowance is taken by the employer, the amount of gratuities reported by the employee as received per pay period or per month; and
  - (b) The name, date of employment of each learner, and evidence of learner's prior length of employment, if any, in the beauty culture occupation.
- 933.10 For purposes of this section, the term "**beauty culture occupation**" includes any business or any part of the business engaged in the care, cleansing, or beautification of body, skin, nails, or hair, or in the enhancement of personal appearance, and all activities connected with or incidental to the operation of the business or any part of the business. Beauty culture schools and barber colleges are among the businesses included.
- 933.11 For purposes of this section, the term "**barber apprentice**" means a person registered with the District of Columbia Board of Barber Examiners to learn the practice of barbering.
- 933.12 For purposes of this section, the term "**bona fide renter of beauty booth or barber chair**" means any individual who has a valid license issued by the District of Columbia Department of Consumer and Regulatory Affairs to operate a beauty booth or barber chair.
- 933.13 For purposes of this section, the term "**gratuities**" means voluntary monetary contributions received by an employee from a guest, patron, or customer for services rendered.
- 933.14 For purposes of this section, the term "**learner**" means a person who has been employed in the beauty culture occupation for a period not to exceed one hundred and eighty (180) calendar days regardless of the number of hours worked during the period.
- 933.15 For purposes of this section, the term "**student apprentice**" means a person registered with the District of Columbia Board of Cosmetology to learn the practice of cosmetology in a beauty shop.
- 933.16 Wage Order No. 6 entitled "Beauty Culture Occupation," effective June 4, 1973, is repealed except with respect to rights accrued and liabilities incurred under the wage order prior to the effective date of this section and except with respect to violations of the wage order occurring prior to the effective date of this section.
- 933.17 This section became effective March 17, 1980.

**MANUFACTURING, WHOLESALE TRADE, AND PRINTING AND PUBLISHING  
OCCUPATIONS WAGE ORDER**

934.1 This section applies to employees in the manufacturing, wholesale trade, and printing and publishing occupations defined in §934.7 employed in the following industries (industry code designation of the "Standard Industrial Classification Manual, 1972" is indicated in parentheses):

(a) Manufacturing:

- (1) Food and kindred products (20);
- (2) Tobacco manufactures (21);
- (3) Textile mill products (22);
- (4) Apparel and other finished products made from fabrics and similar materials (23);
- (5) Lumber and wood products, except furniture (24)
- (6) Furniture and fixtures (25);
- (7) Paper and allied products (26);
- (8) Printing, publishing, and allied industries (27);
- (9) Chemicals and allied products (28);
- (10) Petroleum refining and related industries (29);
- (11) Rubber and miscellaneous plastics products (30);
- (12) Leather and leather products (31);
- (13) Stone, clay, glass, and concrete products (32);
- (14) Primary metal industries (33);
- (15) Fabricated metal products, except machinery and transportation equipment (34);
- (16) Machinery, except electrical (35);
- (17) Electrical and electronic machinery, equipment, and supplies (36);
- (18) Transportation equipment (37);

**MANUFACTURING, WHOLESALE TRADE, AND PRINTING AND PUBLISHING  
OCCUPATIONS WAGE ORDER**

## 934.1 (Continued)

- (19) Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks (38); and
- (20) Miscellaneous manufacturing industries (39).
- (b) Wholesale Trade--durable goods (50);
  - (1) Motor vehicles and automotive parts and supplies (501);
  - (2) Furniture and home furnishings (502);
  - (3) Lumber and other construction materials (503);
  - (4) Sporting, recreational, photographic, and hobby goods, toys, and supplies (504);
  - (5) Metals and minerals, except petroleum (505);
  - (6) Electrical goods (506);
  - (7) Hardware, and plumbing and heating equipment and supplies (507);
  - (8) Machinery, equipment; and supplies (508); and
  - (9) Miscellaneous durable goods (509);
- (c) Wholesale Trade -- nondurable goods (51):
  - (1) Paper and paper products (511);
  - (2) Drugs, drug proprietaries and druggists' sundries (512);
  - (3) Apparel, piece goods, and notions (513);
  - (4) Groceries and related products (514);
  - (5) Farm-product raw materials (515);
  - (6) Chemicals and allied products (516);
  - (7) Petroleum and petroleum products (517);
  - (8) Beer, wine and distilled alcoholic beverages (518); and
  - (9) Miscellaneous nondurable goods (519).



**934 MANUFACTURING, WHOLESALE TRADE, AND PRINTING AND PUBLISHING  
OCCUPATIONS WAGE ORDER (Continued)**

**934.2** No employer shall employ any employee at a wage less than three dollars and fifty cents (\$3.50) an hour for each hour of working time except as may be provided elsewhere in this chapter.

**934.3** The minimum wage and overtime provisions of §934.2 and §913 shall not apply with respect to the following employees:

- (a) Any employee employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman (as these terms are defined by the U.S. Secretary of Labor under the Fair Labor Standards Act of 1938, as amended); or
- (b) Any employee engaged in the delivery of newspapers to the home of the consumer.

**934.4** An employer shall pay a full-time student not less than the minimum wage required by the Fair Labor Standards Act of 1938, as amended.

**934.5** The employer shall pay an adult learner not less than three dollars and twenty-five cents (\$3.25) an hour.

**934.6** Items of expense incurred by an employee as a condition of employment shall be treated as follows:

- (a) Uniforms and protective clothing--In addition to the wages required by this chapter, the employer shall pay the cost of purchase, maintenance, and cleaning of uniforms and protective clothing (including hats and shoes) required by the employer or by law; and
- (b) Travel expenses--In addition to the wages required by this chapter, the employer shall pay the cost of travel expenses incurred by the employee as a condition of employment.

**934.7** For purposes of this section, the term "**manufacturing, wholesale trade, and printing and publishing occupations**" includes the following:

- (a) Any business engaged in preparing, producing, or processing and selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers;
- (b) Any business engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers;

**934 MANUFACTURING, WHOLESALE TRADE, AND PRINTING AND PUBLISHING  
OCCUPATIONS WAGE ORDER (Continued)**

**934.7 (Continued)**

- (c) Any business engaged in printing, publishing, or printing and publishing regardless of whether the merchandise is sold at retail or wholesale; and
- (d) All activities connected with or incidental to the operation of these businesses except restaurant activities.

**934.8** For purposes of this section, the term "**adult learner**" means a person eighteen (18) years of age or over who has been employed in manufacturing, wholesale trade, and printing and publishing occupations for a period not to exceed sixty (60) calendar days regardless of the number of hours worked during the period.

**934.9** For purposes of this section, the term "**full-time student**" is a student who meets the definition of a full-time student of the school at which he or she is enrolled.

**934.10** Wage Order No. 8 entitled "Manufacturing, Wholesale Trade, and Printing and Publishing Occupations," effective January 22, 1973, is repealed, except with respect to rights accrued and liabilities incurred under the wage order prior to the effective date of this section and except with respect to violations of the wage order occurring prior to the effective date of this section.

**934.11** This section became effective August 5, 1979.

**935 CLERICAL AND SEMITECHNICAL OCCUPATIONS WAGE ORDER**

**935.1** This section applies to employees in the occupations listed in §935.17 and §935.18 employed in the following industries (industry code designation of the "Standard Industrial Classification Manual, 1972" is indicated in parentheses):

- (a) Agriculture, forestry, and fishing (01-09);
- (b) Mining (10-14);
- (c) Construction (15-17);
- (d) Transportation, communications, electric, gas, and sanitary services (40-49);
- (e) Finance, insurance, and real estate (60-67), except apartment houses;

**935 CLERICAL AND SEMITECHNICAL OCCUPATIONS WAGE ORDER**  
(Continued)

**935.1** (Continued)

- (f) Photographic studios, portrait (722);
- (g) Funeral service and crematories (726);
- (h) Miscellaneous personal services (729), except massage parlors, reducing and slenderizing salons, scalp treatment, steam baths, Turkish baths, beauty and health spas or clubs;
- (i) Business services (73);
- (j) Automotive repair, services, and garages (75);
- (k) Miscellaneous repair services (76), except repair services involving sewing;
- (l) Motion pictures (78);
- (m) Amusement and recreation services, except motion pictures (79);
- (n) Health services (80);
- (o) Legal services (81);
- (p) Educational services (82);
- (q) Social services (83);
- (r) Museums, art galleries, botanical and zoological gardens (84);
- (s) Membership organizations (86); and
- (t) Miscellaneous services (89).

**935.2** No employer shall employ any employee at a wage less than three dollars and ninety cents (\$3.90) for each hour of working time except as may be provided elsewhere in this chapter.

**935.3** The minimum wage and overtime provisions of §935.2 and §913 shall not apply with respect to any employee employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman (as these terms are defined by the U.S. Secretary of Labor under the Fair Labor Standards Act of 1938, as amended).



935

**CLERICAL AND SEMITECHNICAL OCCUPATIONS WAGE ORDER**  
(Continued)

- 935.4 The overtime provisions of §913 shall not apply with respect to any employee employed by a railroad, or any employee employed by a carrier by air who voluntarily exchanges work days with another employee for the primary purpose of utilizing air travel benefits available to employees.
- 935.5 An institution of higher education shall pay a student not less than the minimum wage required by §14(b)(3) of the Fair Labor Standards Act of 1938, as amended.
- 935.6 An employer shall pay an employee under the age of eighteen (18) not less than three dollars and thirty-five cents (\$3.35) an hour.
- 935.7 Persons employed pursuant to the Older Americans Act of 1965, as amended, shall be paid not less than three dollars and thirty-five cents (\$3.35) an hour.
- 935.8 An employer shall pay a child-day-care center aide not less than three dollars and thirty-five cents (\$3.35) an hour.
- 935.9 An employer shall pay a homemaker aide not less than three dollars and thirty-five cents (\$3.35) an hour.
- 935.10 Items of expense incurred by an employee as a condition of employment shall be treated as follows:
- (a) Uniforms and protective clothing -- In addition to the wages required by this chapter, the employer shall pay the cost of purchase, maintenance, and cleaning of uniforms and protective clothing (including hats and shoes) required by the employer or by law except as follows:
    - (1) In lieu of purchasing, maintaining, and cleaning plain and washable uniforms, the employer may pay ten cents (10¢) per hour in addition to the wages required by this chapter. Privilege of payment of ten cents (10¢) per hour shall not apply in the case of protective clothing;
    - (2) When the employer purchases but the employee maintains and cleans plain and washable uniforms the payment shall be eight cents (8¢) per hour in addition to the wages required by this chapter; or

935 CLERICAL AND SEMITECHNICAL OCCUPATIONS WAGE ORDER (Continued)

935.10 (Continued)

- (3) When the employer cleans and maintains but the employee purchases plain and washable uniforms the payment shall be six cents (6¢) per hour in addition to the wages required by this chapter.

- (b) Travel expenses -- In addition to the wages required by this chapter, the employer shall pay the cost of travel expenses incurred by the employee as a condition of employment.

935.11 An employer may deduct from an employee's wages allowances for the following:

- (a) Meals--Not more than one dollar and thirty-two cents (\$1.32) for each meal furnished the employee by the employer with the following daily limitations:
  - (1) For four (4) or less hours of work, an allowance for not more than one (1) meal;
  - (2) For over four (4) hours of work, an allowance for not more than two (2) meals; and
  - (3) For an employee who lives at the place of employment, an allowance for not more than three (3) meals; and
- (b) Lodging--When the employer furnishes lodging to the employee, not more than eighty percent (80%) of the rental value of the lodging furnished as determined by a comparison with the value of similar accommodations in the vicinity of those furnished.

935.12 In addition to the records required by §914 of this chapter every employer shall make, keep, and preserve for a period of not less than three (3) years a record of students paid pursuant to §935.5 and written evidence from the school that the employee is a student.

935.13 For purposes of this section, the term "child-day-care center aide" means a person employed to assist a teacher or an assistant teacher in caring for the educational, recreational, and health needs of prekindergarten children or infants in a child development home, or center, or infant care center.



- 935.14 For purposes of this section, the term "**homemaker aide**" means a person employed to care for elderly, convalescent, or handicapped persons in the patient's home. Included in the care provided are such duties as meal preparation, bed making, washing of clothes, and care of dependent children.
- 935.15 For purposes of this section, the term "**institution of higher education**" is an institution above the secondary level, such as a college or university, a junior college, or a professional school of engineering, law, library science, social work. It is one that is recognized by a national accrediting agency or association as determined by the Secretary of Education. Interpretations of the term "institution of higher education" shall be in accordance with Title 29 Code of Federal Regulations, Chapter V, §519.12(b).
- 935.16 For purposes of this section, the term "**student**" means a person enrolled in an institution of higher education who is actively engaged in the pursuit of higher education at that institution and who qualifies under federal law and regulations for student aid.
- 935.17 For purposes of this section, the term "**clerical occupations**" includes secretaries, stenographers, typists, word processing machine operators, clerk-typists, clerks, receptionists, office machine operators, cashiers, tellers, bookkeepers, messengers, computer operators, key-entry operators, ticket sellers, sorters, telephone operators, mail handlers, examiners, claim adjusters, investigators, collectors, repossessioners, tracers, proofreaders, compilers, checkers, office helpers, timekeepers, and similar occupations listed in the Dictionary of Occupational Titles, Fourth Edition, 1977, under the subcategory "clerical," Divisions 20 through 24, which include occupations concerned with preparing, transcribing, systematizing and preserving written communications and records, distributing information, and collecting accounts.
- 935.18 For purposes of this section, the term "**semitechnical occupations**" includes the following:
- (a) Practical nurses, nurses aides, orderlies, cottage parents, institutional attendants, child-day-care center aides; and
  - (b) Assistants to physicians, dentists, laboratory technicians, X-ray technicians, personnel counselors, labor relations counselors, public relations counselors, librarians, educators, social workers, writers, research workers, statisticians, editors, and other assistants whose work requires similar training, skill and supervision.



**935 CLERICAL AND SEMITECHNICAL OCCUPATIONS WAGE ORDER (Continued)**

**935.19** Excluded from §935.17 and §935.18 are clerical and semitechnical occupations covered by other wage orders.

**935.20** Employees of temporary help contractors engaged in clerical and semitechnical occupations are covered by this section regardless of the type of business in which the employees work.

**935.21** Wage Order No. 9 entitled "Clerical and Semitechnical Occupations," effective July 12, 1977, is repealed, except with respect to rights accrued and liabilities incurred under the wage order prior to the effective date of this section and with respect to violations of the wage order occurring prior to the effective date of this section.

**935.22** This section became effective June 4, 1983.

**936 HOTEL, RESTAURANT, APARTMENT BUILDING, AND ALLIED OCCUPATIONS WAGE ORDER**

**936.1** This section applies to employees in the hotel, restaurant, apartment building, and allied occupations defined in §936.12 employed in the following industries (industry code designation of the "Standard Industrial Classification Manual, 1972" is indicated in parentheses):

- (a) Eating and drinking places (including eating and drinking places operated by employers primarily engaged in some other activity)(58);
- (b) Operators of apartment buildings (6513);
- (c) Operators of dwellings other than apartment buildings (6514); and
- (d) Hotels, rooming houses, camps, and other lodging places (70).

**936.2** No employer shall employ any employee at a wage less than three dollars and eighty cents (\$3.80) for each hour of working time; except that an employer subject to the rent control provisions of the District of Columbia Rental Housing Act of 1980 shall pay a wage not less than three dollars and fifty cents (\$3.50) an hour to any employee employed in a building in which rents are controlled and except as may be provided elsewhere in this chapter.

936

**HOTEL, RESTAURANT, APARTMENT BUILDING, AND ALLIED OCCUPATIONS  
WAGE ORDER (Continued)**

- 936.3 The minimum wage and overtime provisions of §936.2 and §913 shall not apply with respect to any employee employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman (as these terms are defined by the U.S. Secretary of Labor under the Fair Labor Standards Act of 1938, as amended).
- 936.4 The overtime provisions of §913 shall not apply with respect to any employee employed as an attendant at a parking lot or parking garage.
- 936.5 An employer shall pay an employee under the age of eighteen (18) not less than three dollars and thirty-five cents (\$3.35) an hour.
- 936.6 An employer shall pay an adult learner not less than three dollars and fifty cents (\$3.50) an hour or three dollars and thirty-five cents (\$3.35) an hour if the employer is subject to the rent control provisions of the District of Columbia Rental Housing Act of 1980.
- 936.7 An institution of higher education shall pay a full-time student not less than three dollars and thirty-five cents (\$3.35) an hour.
- 936.8 Items of expense incurred by an employee as a condition of employment shall be treated as follows:
- (a) Uniforms and protective clothing--In addition to the wages required by this chapter, the employer shall pay the cost of purchase, maintenance, and cleaning of uniforms and special costumes and protective clothing (including hats and shoes) required by the employer or by law except as follows:
    - (1) In lieu of purchasing, maintaining, and cleaning plain and washable uniforms and costumes, the employer may pay ten cents (10¢) per hour in addition to the wages required by this chapter. Privilege of payment of ten cents (10¢) per hour shall not apply in the case of costumes or uniforms which are not plain and washable or in the case of protective clothing;
    - (2) When the employer purchases but the employee maintains and cleans plain and washable uniforms and costumes the payment shall be seven cents (7¢) per hour in addition to the wages required by this chapter; or



936

HOTEL, RESTAURANT, APARTMENT BUILDING, AND ALLIED OCCUPATIONS  
WAGE ORDER (Continued)

936.8

(Continued)

(3) When the employer cleans and maintains but the employee purchases plain and washable uniforms and costumes the payment shall be three cents (3¢) per hour in addition to the wages required by this chapter.

(b) Tools and travel expenses -- In addition to the wages required by this chapter, the employer shall pay the cost of purchasing and maintaining tools and the cost of travel expenses incurred by the employee as a condition of employment.

936.9

An employer may deduct from an employee's wages allowances for the following:

- (a) Meals -- Not more than one dollar and sixty-five cents (\$1.65) for each meal furnished the employee by the employer with the following daily limitations:
- (1) For four or less hours of work, an allowance for not more than one (1) meal;
  - (2) For over four (4) hours of work, an allowance for not more than two (2) meals;
  - (3) For an employee who lives at the place of employment, an allowance for not more than three (3) meals.
- (b) Lodging--When the employer furnishes lodging to the employee, not more than eighty percent (80%) of the rental value of the lodging furnished as determined by a comparison with the value of similar accommodations in the vicinity of those furnished; and
- (c) Gratuity allowance for service employees -- Not more than one dollar and ninety-five cents (\$1.95) an hour for gratuities for service employees as defined in this section. If the service employee receives less than one dollar ninety-five cents (\$1.95) an hour in gratuities, the allowance shall not be more than the lesser amount.

936.10

An employer taking a gratuity allowance from the wage of an employee shall have the burden of proving the employee received in gratuities at least as much as the gratuity allowance taken.



936

**HOTEL, RESTAURANT, APARTMENT BUILDING, AND ALLIED OCCUPATIONS  
WAGE ORDER (Continued)**

- 936.11 In addition to the records required by §914 of this chapter every employer shall make, keep, and preserve for a period of not less than three (3) years an accurate record for each employee containing the following information:
- (a) If employee is a service employee, the amount of gratuities reported by the employee as received per pay period or per month; and
  - (b) Evidence to support the employer's coverage by the District of Columbia Rental Housing Act of 1980.
- 936.12 For purposes of this section, the term **"hotel, restaurant, apartment building, and allied occupations"** includes the following:
- (a) Any business or part of the business engaged in providing lodging for hire including, but not limited to, apartment buildings, residential buildings, hotels, motels, rooming houses, camps, clubs, and other lodging places;
  - (b) Any condominium or cooperative association operating, managing, or providing services to residents of a residential building;
  - (c) Any business or part of the business engaged in preparing and serving food or beverages or providing catering or carry-out services;
  - (d) All activities connected with or incidental to the operation of the businesses or parts of the businesses; except beauty culture, laundry, and dry cleaning activities; and
  - (e) Concessions are not covered by this section unless engaged in a business mentioned in subparagraphs (a), (b), or (c).
- 936.13 For purposes of this section, the term **"adult learner"** means a person eighteen (18) years of age or over who has been employed in hotel, restaurant, apartment building, and allied occupations for a period not to exceed ninety (90) calendar days regardless of the number of hours worked during the period.
- 936.14 For purposes of this section, the term **"attendant at a parking lot or parking garage"** means any person who is employed to park or supervise the parking of automobiles at a parking lot or parking garage. A person employed as a cashier, guard, or maintenance person shall not be considered an "attendant at a parking lot or parking garage."

936

**HOTEL, RESTAURANT, APARTMENT BUILDING, AND ALLIED OCCUPATIONS  
WAGE ORDER (Continued)**

936.15

For purposes of this section, the term "**full-time student**" means a student who meets the definition of a full-time student of the institution of higher education at which he or she is enrolled. Interpretations of the term "full-time student" shall be in accordance with Title 29 of the Code of Federal Regulations, Chapter V, §519.12(a).

936.16

For purposes of this section, the term "**gratuities**" means voluntary monetary contributions received by an employee from a guest, patron, or customer for services rendered, except that the following shall not be considered "gratuities":

- (a) Compulsory service charges;
- (b) Charges for banquet facilities for later distribution to employees; and
- (c) Amounts required to be accounted for or turned over to the employer.

936.17

For purposes of this section, the term "**institution of higher education**" means an institution above the secondary level, such as a college or university, a junior college, or a professional school of engineering, law, library science, social work. It is one that is recognized by a national accrediting agency or association as determined by the U.S. Secretary of Education. Interpretations of the term "institution of higher education" shall be in accordance with Title 29 Code of Federal Regulations, Chapter V, §519.12(b).

936.18

For purposes of this section, the term "**service employee**" means waiter/waitress (including counter-attendant), bus person, bartender, bellhop, hotel doorkeeper, hat checker, and parking attendant.

936.19

Wage Order No. 10 entitled "Hotel, Restaurant, Apartment Building, and Allied Occupations," effective May 22, 1976, is repealed, except with respect to rights accrued and liabilities incurred under the wage order prior to the effective date of this section and except with respect to violations of the wage order occurring prior to the effective date of this section.

936.20

This section became effective January 2, 1982.

## BUILDING SERVICE OCCUPATION WAGE ORDER

937.1

This section applies to employees in the occupation defined in §937.8 employed in the following industries (industry code designation of the "Standard Industrial Classification Manual, 1972" is indicated in parentheses):

- (a) Agriculture, forestry, and fishing (01-09);
- (b) Mining (10-14);
- (c) Construction (15-17);
- (d) Transportation, communications, electric, gas, and sanitary services (40-49);
- (e) Finance, insurance, and real estate (60-67), except apartment houses;
- (f) Photographic studios, portrait (722);
- (g) Funeral service and crematories (726);
- (h) Miscellaneous personal services (729), except massage parlors, reducing and slenderizing salons, scalp treatment, steam baths, Turkish baths, beauty and health spas or clubs;
- (i) Business services (73);
- (j) Automotive repair, services, and garages (75);
- (k) Miscellaneous repair services (76), except repair services involving sewing;
- (l) Motion pictures (78);
- (m) Amusement and recreation services, except motion pictures (79);
- (n) Health services (80);
- (o) Legal services (81);
- (p) Educational services (82);
- (q) Social services (83);
- (r) Museums, art galleries, botanical and zoological gardens (84);



**937 BUILDING SERVICE OCCUPATION WAGE ORDER (Continued)**

**937.1 (Continued)**

(s) Membership organizations (86); and

(t) Miscellaneous services (89).

**937.2** No employer shall employ any employee at a wage less than three dollars and seventy cents (\$3.70) for each hour of working time except as may be provided elsewhere in this chapter.

**937.3** The minimum wage and overtime provisions of §937.2 and §913 shall not apply with respect to any employee employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman (as these terms are defined by the U.S. Secretary of Labor under the Fair Labor Standards Act of 1938, as amended).

**937.4** The overtime provisions of §913 shall not apply with respect to any employee employed by a railroad, or any employee employed by a carrier by air who voluntarily exchanges workdays with another employee for the primary purpose of utilizing air travel benefits available to such employees.

**937.5** An institution of higher education may pay a full-time student not less than eighty-five percent (85%) of the minimum wage required by the Fair Labor Standards Act of 1938, as amended.

**937.6** Items of expense incurred by an employee as a condition of employment shall be treated as follows:

(a) Uniforms and protective clothing -- In addition to the wages required by this chapter, the employer shall pay the cost of purchase, maintenance, and cleaning of uniforms and protective clothing (including hats and shoes) required by the employer or by law except as follows:

(1) In lieu of purchasing, maintaining, and cleaning plain and washable uniforms, the employer may pay seven cents (7¢) per hour in addition to the wages required by this chapter. Privilege of payment of seven cents (7¢) per hour shall not apply in the case of protective clothing;

(2) When the employer purchases but the employee maintains and cleans plain and washable uniforms the payment shall be four cents (4¢) per hour in addition to the wages required by this chapter; or

937

**BUILDING SERVICE OCCUPATION WAGE ORDER** (Continued)

937.6

(Continued)

(3) When the employer cleans and maintains but the employee purchases plain and washable uniforms the payment shall be three cents (3¢) per hour in addition to the wages required by this chapter; and

(b) Travel expenses -- In addition to the wages required by this chapter, the employer shall pay the cost of travel expenses incurred by the employee in the performance of the business of the employer.

937.7

An employer may deduct from an employee's wages allowances for the following:

(a) Meals -- Not more than one dollar and ten cents (\$1.10) for each good and wholesome meal furnished the employee by the employer with the following daily limitations:

(1) For four (4) or less hours of work, an allowance for not more than one (1) meal;

(2) For over four (4) hours of work, an allowance for not more than two (2) meals; and

(3) For an employee who lives at the place of employment, an allowance for not more than three (3) meals; and

(b) Lodging -- When the employer furnishes lodging to the employee:

(1) Not more than fifteen dollars (\$15) a week for one (1) person in a single room;

(2) Not more than seven dollars and fifty cents (\$7.50) a week for each of two (2) persons in a double room; or

(3) Not more than three-fourths (3/4) of the rental value of an apartment as determined by a comparison with the value of similar accommodations in the vicinity of those furnished.

937.8

For purposes of this section, the term **"building service occupation"** includes the activities of cleaning and servicing buildings, institutions, establishments, offices and residences. Employees of temporary help contractors or janitorial service firms engaged in the building service occupation are covered by this section regardless of the type of business in which the employees work. Excluded are building service occupations covered by other wage orders.



937.9 For purposes of this section, the term "**full-time student**" means a student who meets the accepted definition of a full-time student of the institution of higher learning which employs him or her. Interpretations of the term "full-time student" shall be in accordance with Title 29 Code of Federal Regulations, Chapter V, §519.12(a).

937.10 For purposes of this section, the term "**institution of higher education**" is an institution above the secondary level, such as a college or university, a junior college, or a professional school of engineering, law, library science, social work. It is one that is recognized by a national accrediting agency or association as determined by the U.S. Secretary of Education. Interpretations of the term "institution of higher education" shall be in accordance with Title 29 Code of Federal Regulations, Chapter V, §519.12(b).

937.11 Wage Order No. 11 entitled "Building Service Occupation, effective December 28, 1975, is hereby repealed, except with respect to rights accrued and liabilities incurred under the wage order prior to the effective date of this section and except with respect to violations of the wage order occurring prior to the effective date of this section.

937.12 This section became effective January 1, 1981.

**938 OCCUPATIONS NOT COVERED BY MINIMUM WAGE ORDERS IN EXISTENCE ON OCTOBER 15, 1966, WAGE ORDER**

938.1 This section applies to employees in the occupations defined in §938.11 employed in the following industries (industry code designation of the "Standard Industrial Classification Manual, 1972" is indicated in parentheses):

- (a) Agriculture, forestry, and fishing (01-09);
- (b) Mining (10-14);
- (c) Construction (15-17);
- (d) Transportation, communications, electric, gas, and sanitary services (40-49);
- (e) Finance, insurance, and real estate (60-67), except apartment houses;



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**OCCUPATIONS NOT COVERED BY MINIMUM WAGE ORDERS IN EXISTENCE ON  
OCTOBER 15, 1966, WAGE ORDER (Continued)**

938.1

(Continued)

- (f) Photographic studios, portrait (722);
- (g) Funeral service and crematories (726);
- (h) Miscellaneous personal services (729), except massage parlors, reducing and slenderizing salons, scalp treatment, steam baths, Turkish baths, beauty and health spas or clubs;
- (i) Business services (73);
- (j) Automotive repair, services, and garages (75);
- (k) Miscellaneous repair services (76), except repair services
- (l) Motion pictures (78);
- (m) Amusement and recreation services, except motion pictures (79);
- (n) Health services (80);
- (o) Legal services (81);
- (p) Educational services (82);
- (q) Social services (83);
- (r) Museums, art galleries, botanical and zoological gardens (84);
- (s) Membership organizations (86); and
- (t) Miscellaneous services (89).

938.2

No employer shall employ an employee at a wage less than the following for each hour of working time except as may be provided elsewhere in this chapter:

- (a) An attendant at a parking lot or parking garage shall be paid not less than three dollars and forty cents (\$3.40) an hour provided the attendant receives at least forty cents (40¢) an hour in gratuities. If the attendant receives less than forty cents (40¢) an hour in gratuities, the employer shall increase the wage paid in the amount by which the gratuities do not equal forty cents (40¢) an hour;

938

**OCCUPATIONS NOT COVERED BY MINIMUM WAGE ORDERS IN EXISTENCE ON  
OCTOBER 15, 1966, WAGE ORDER (Continued)**

938.2

(Continued)

- (b) An attendant at a car wash shall be paid not less than three dollars and fifty cents (\$3.50) provided the attendant receives at least fifteen cents (15¢) an hour in gratuities. If the attendant receives less than fifteen cents (15¢) an hour in gratuities, the employer shall increase the wage paid in the amount by which the gratuities do not equal fifteen cents (15¢) an hour;
- (c) Day laborer, ticket taker, and usher shall be paid not less than three dollars and seventy-five cents (\$3.75) an hour; and
- (d) All other occupations not covered by minimum wage orders in existence on October 15, 1966, shall be paid not less than three dollars and ninety cents (\$3.90) an hour.

938.3

The minimum wage and overtime provisions of §938.2 and §913 shall not apply with respect to any employee employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman (as these terms are defined by the U.S. Secretary of Labor under the Fair Labor Standards Act of 1938, as amended).

938.4

The overtime provisions of §913 shall not apply with respect to:

- (a) Any employee employed as a seaman;
- (b) Any employee employed by a railroad;
- (c) Any employee employed primarily to wash automobiles by an employer, more than fifty percent (50%) of whose annual dollar volume of sales is derived from washing automobiles, if for the employee's employment in excess of one hundred and sixty (160) hours in a period of four (4) consecutive workweeks, the employee receives compensation at a rate not less than one and one-half (1 1/2) times the regular rate at which he or she is employed;
- (d) Any employee employed as an attendant at a parking lot or parking garage; or
- (e) Any employee employed by a carrier by air who voluntarily exchanges workdays with another employee for the primary purpose of utilizing air travel benefits available to the employees.

938

**OCCUPATIONS NOT COVERED BY MINIMUM WAGE ORDERS IN EISTENCE ON  
OCTOBER 15, 1966, WAGE ORDER (Continued)**

- 938.5 Newly hired persons shall be paid at least three dollars and thirty-five cents (\$3.35) an hour for the first one hundred and eighty (180) calendar days of employment.
- 938.6 An institution of higher education shall pay a full-time student at least three dollars and thirty-five cents (\$3.35) an hour.
- 938.7 Items of expense incurred by an employee as a condition of employment shall be treated as follows:
- (a) Uniforms and protective clothing -- In addition to the wages required by this chapter, the employer shall pay the cost of purchase, maintenance, and cleaning of uniforms and protective clothing (including hats and shoes) required by the employer or by law except as follows:
    - (1) In lieu of purchasing, maintaining, and cleaning plain and washable uniforms, the employer may pay nine cents (9¢) per hour in addition to the wages required by this chapter. Privilege of payment of nine cents (9¢) per hour shall not apply in the case of protective clothing;
    - (2) When the employer purchases but the employee maintains and cleans plain and washable uniforms the payment shall be six cents (6¢) per hour in addition to the wages required by this chapter; or
    - (3) When the employer cleans and maintains but the employee purchases plain and washable uniforms the payment shall be three cents (3¢) per hour in addition to the wages required by this chapter; and
  - (b) Travel expenses -- In addition to the wages required by this chapter, the employer shall pay the cost of travel expenses incurred by the employee in the performance of the business of the employer.
- 938.8 An employer may deduct from an employee's wages allowances for the following:
- (a) Meals -- Not more than one dollar and ten cents (\$1.10) for each good and wholesome meal furnished the employee by the employer with the following daily limitations:
    - (1) For four (4) or less hours of work, an allowance for not more than one (1) meal;



938

**OCCUPATIONS NOT COVERED BY MINIMUM WAGE ORDERS IN EXISTENCE ON  
OCTOBER 15, 1966, WAGE ORDER (Continued)**

938.8

(Continued)

- (2) For over four (4) hours of work, an allowance for not more than two (2) meals; and
  - (3) For an employee who lives at the place of employment, an allowance for not more than three (3) meals.
- (b) Lodging--When the employer furnishes lodging to the employee:
- (1) Not more than fifteen dollars (\$15) a week for one (1) person in a single room;
  - (2) Not more than seven dollars and fifty cents (\$7.50) a week for each of two (2) persons in a double room; or
  - (3) Not more than three-fourths (3/4) of the rental value of an apartment as determined by a comparison with the value of similar accommodations in the vicinity of those furnished.

938.9

An employer taking a gratuity allowance from the wage of an employee shall have the burden of proving the employee received in gratuities at least as much as the gratuity allowance taken.

938.10

In addition to the records required by §914 of this chapter every employer shall make, keep, and preserve for a period of not less than three (3) years an accurate record for each parking and car wash attendant showing the amount of gratuities reported by the employee as received per pay period or per month.

938.11

For purposes of this section, the term "**occupations not covered by minimum wage orders in existence on October 15, 1966,**" means those occupations which as of that date were not covered by the following wage orders:

- (a) Minimum Wage Order No. 1, Private Household Worker Occupation;
- (b) Minimum Wage Order No. 3, Retail Trade Occupation;
- (c) Minimum Wage Order No. 5, Laundry and Dry Cleaning Occupation;
- (d) Minimum Wage Order No. 6, Beauty Culture Occupation;

938 OCCUPATIONS NOT COVERED BY MINIMUM WAGE ORDERS IN EXISTENCE ON  
OCTOBER 15, 1966, WAGE ORDER (Continued)

938.11 (Continued)

- (e) Minimum Wage Order No. 8, Manufacturing, Wholesale Trade, and Printing and Publishing Occupations;
- (f) Minimum Wage Order No. 9, Clerical and Semitechnical occupations;
- (g) Minimum Wage Order No. 10, Hotel, Restaurant, Apartment Building and Allied Occupations; or
- (h) Minimum Wage Order No. 11, Building Service Occupation.

938.12 With the exception of the employees employed in occupations covered by minimum wage orders in existence on October 15, 1966, the employees employed in the industries listed in §938.1 are covered by this section. The term "occupations not covered by minimum wage orders in existence on October 15, 1966" includes, but is not limited to, the following occupations:

- (a) Machine trade occupations;
- (b) Benchwork occupations;
- (c) Structural work occupations; and
- (d) Miscellaneous occupations including:
  - (1) Parking attendants;
  - (2) Car wash attendants;
  - (3) Guards;
  - (4) Ushers;
  - (5) Furniture movers;
  - (6) Bus, truck, and cab drivers;
  - (7) Lifeguards; and
  - (8) Employees of temporary help companies and amusement and recreation companies other than clerical, semitechnical, and building service employees.

938.13 For purposes of this section, the term "attendant at a parking lot or parking garage" means any person who is employed to park or supervise the parking of automobiles at a parking lot or parking garage. A person employed as a cashier, guard, or maintenance person shall not be considered an "attendant at a parking lot or parking garage."

**938 OCCUPATIONS NOT COVERED BY MINIMUM WAGE ORDERS IN EXISTENCE ON  
OCTOBER 15, 1966, WAGE ORDER (Continued)**

- 938.14 For purposes of this section, the term "**car wash attendant**" means any person employed to perform duties relating to washing or waxing of automobiles other than cashier or maintenance duties.
- 938.15 For purposes of this section, the term "**day laborer**" means any person employed to perform duties requiring little skill and who is paid daily.
- 938.16 For purposes of this section, the term "**full-time student**" means a student who meets the definition of a full-time student of the institution of higher education at which he or she is enrolled. Interpretations of the term "full-time student" shall be in accordance with Title 29 Code of Federal Regulations, Chapter V, §519.12(a).
- 938.17 For purposes of this section, the term "**gratuities**" means voluntary monetary contributions received by an employee from a guest, patron, or customer for services rendered.
- 938.18 For purposes of this section, the term "**institution of higher education**" means an institution above the secondary level, such as a college or university, a junior college, or a professional school of engineering, law, library science, social work. It is one that is recognized by a national accrediting agency or association as determined by the U.S. Secretary of Education. Interpretations of the term "institution of higher education" shall be in accordance with Title 29 Code of Federal Regulations, Chapter V, §519.12(b).
- 938.19 For purposes of this section, the term "**ticket taker**" means any person employed to collect admission tickets from patrons at entertainment events.
- 938.20 For purposes of this section, the term "**usher**" means any person who is employed to assist patrons at entertainment events to their seats.
- 938.21 Wage Order No. 12 entitled "Occupations Not Covered By Minimum Wage Orders in Existence on October 15, 1966" effective December 28, 1975, is repealed, except with respect to rights accrued and liabilities incurred under the wage order prior to the effective date of this section and except with respect to violations of the wage order occurring prior to the effective date of this section.
- 938.22 This section became effective October 31, 1981.



939

**MANUFACTURING, PRINTING AND PUBLISHING, AND WHOLESALE TRADE  
OCCUPATIONS WAGE ORDER**

939.1

This section applies to employees in the manufacturing, printing and publishing, and wholesale trade occupations defined in §939.6 employed in the following industries (industry code designation of the "Standard Industrial Classification Manual, 1972," is indicated in parentheses):

(a) Manufacturing:

- (1) Food and kindred products (20);
- (2) Tobacco manufactures (21);
- (3) Textile mill products (22);
- (4) Apparel and other finished products made from fabrics and similar materials (23);
- (5) Lumber and wood products, except furniture (24);
- (6) Furniture and fixtures (25);
- (7) Paper and allied products (26);
- (8) Printing, publishing, and allied industries (27);
- (9) Chemicals and allied products (28);
- (10) Petroleum refining and related industries (29);
- (11) Rubber and miscellaneous plastics products (30);
- (12) Leather and leather products (31);
- (13) Stone, clay, glass, and concrete products (32);
- (14) Primary metal industries (33);
- (15) Fabricated metal products, except machinery and transportation equipment (34);
- (16) Machinery, except electrical (35)
- (17) Electrical and electronic machinery, equipment, and supplies (36);
- (18) Transportation equipment (37);

939

**MANUFACTURING, PRINTING AND PUBLISHING, AND WHOLESALE TRADE  
OCCUPATIONS WAGE ORDER (Continued)**

939.1

(Continued)

(19) Measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks (38); and

(20) Miscellaneous manufacturing industries (39);

(b) Wholesale Trade--durable goods (50):

(1) Motor vehicles and automotive parts and supplies (501);

(2) Furniture and home furnishings (502);

(3) Lumber and other construction materials (503);

(4) Sporting, recreational, photographic, and hobby goods, toys and supplies (504);

(5) Metals and minerals, except petroleum (505);

(6) Electrical goods (506);

(7) Hardware, and plumbing and heating equipment and supplies (507);

(8) Machinery, equipment, and supplies (508); and

(9) Miscellaneous durable goods (509);

(c) Wholesale Trade--nondurable goods (51):

(1) Paper and paper products (511);

(2) Drugs, drug proprietaries and druggists' sundries (512);

(3) Apparel, piece goods, and notions (513);

(4) Groceries and related products (514);

(5) Farm-product raw materials (515);

(6) Chemicals and allied products (516);

(7) Petroleum and petroleum products (517);

**939 MANUFACTURING, PRINTING AND PUBLISHING AND WHOLESALE TRADE  
OCCUPATIONS WAGE ORDER (Continued)**

**939.1 (Continued)**

(8) Beer, wine and distilled alcoholic beverages (518);  
and

(9) Miscellaneous nondurable goods (519).

**939.2** No employer shall employ an employee at a wage less than three dollars and ninety-five cents (\$3.95) an hour for each hour of working time except as may be provided elsewhere in this chapter.

**939.3** The minimum wage and overtime provisions of §§939.2 and 913 shall not apply with respect to the following employees:

(a) Any employee employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman (as these terms are defined by the Secretary of Labor under the Fair Labor Standards Act of 1938, as amended); or

(b) Any employee engaged in the delivery of newspapers to the home of the consumer.

**939.4** The employer may pay an adult learner twenty-five cents (25¢) an hour less than the wage required by §939.2, except that persons employed pursuant to the Youth Employment Act or the Job Training Partnership Act shall be paid the minimum wage required by those acts.

**939.5** Items of expense incurred by an employee as a condition of employment shall be treated as follows:

(a) Uniforms and protective clothing--In addition to the wages required by this chapter, the employer shall pay the cost of purchase, maintenance, and cleaning of uniforms and protective clothing (including hats and shoes) required by the employer or by law; and

(b) Travel expenses--In addition to the wages required by this chapter, the employer shall pay the cost of travel expenses incurred by the employee as a condition of employment.



939

**MANUFACTURING, PRINTING AND PUBLISHING, AND WHOLESALE TRADE  
OCCUPATIONS WAGE ORDER (Continued)**

939.6

For purposes of this section, the term "manufacturing, printing and publishing, and wholesale trade occupations" includes the following:

- (a) Any business engaged in preparing, producing, or processing and selling merchandise to retailers, to industrial, commercial, institutional farm, or professional business users, or to wholesalers;
- (b) Any business engaged in selling merchandise to retailers, to industrial, commercial, institutional, farm, or professional business users, or to other wholesalers, or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies;
- (c) Any business engaged in printing, publishing, or printing and publishing regardless of whether the merchandise is sold at retail or wholesale; and
- (d) All activities connected with or incidental to the operation of these businesses except restaurant activities.

939.7

For purposes of this section, the term "adult learner" means a person eighteen (18) years of age or over who has been employed in manufacturing, printing and publishing, and wholesale trade occupations for a period not to exceed sixty (60) calendar days regardless of the number of hours worked during the period.

939.8

Section 934 of this chapter, effective August 5, 1979, is repealed, except with respect to rights accrued and liabilities incurred under that section prior to the effective date of this section and except with respect to violations of the section occurring prior to the effective date of this section.

939.9

This section shall be effective August 20, 1985.

**§§940-974**

**RESERVED**

- 975.1 A notice listing the time, place, and dates of regular meetings of the Wage-Hour Board shall be published annually in the District of Columbia Register. The notice shall contain a statement that the scheduled meetings are subject to change and that copies of the agenda are available on the working day preceding the scheduled meetings.
- 975.2 An affirmative vote by a majority of the members of the Board is required for a matter to be adopted.
- 975.3 Members of the public attending meetings of the Board may, subject to limitations the Board may impose, participate in meetings upon Board approval of a written request submitted at least three (3) days in advance of the meeting (which may be waived by the Board) by the persons wishing to participate.
- 975.4 A transcription consisting of a tape recording shall be made of all meetings of the Board. Upon request the tape recording shall be available to the public for re-recording, or if requested, a duplicate tape shall be made available upon the payment of a fee covering the cost of duplication.
- 975.5 Nomination and appointment of members of ad hoc advisory committees shall be accomplished in the following manner:
- (a) At least thirty (30) days prior to the appointment of persons to serve on ad hoc advisory committees the Board shall publish a notice in the District of Columbia Register stating its intention to appoint persons to serve on a committee, and requesting that persons interested in serving contact the Board, in writing, at least five (5) working days prior to the time set by the Board for appointment;
  - (b) The Board shall select persons to serve on the ad hoc advisory committees whom the Board believes can represent fairly the views of the persons they are appointed to represent;
  - (c) The public member of the Board shall nominate three (3) persons to represent the public on the ad hoc advisory committee, the employer member of the Board shall nominate three (3) persons to represent employers on the ad hoc advisory committee, and the employee member of the Board shall nominate three (3) persons to represent employees on the ad hoc advisory committee. Upon an affirmative vote of a majority of the Board the persons nominated shall be appointed; and



**975            PROCEDURES OF THE WAGE-HOUR BOARD            (Continued)**

**975.5            (Continued)**

(d) The Board shall name the chairperson of the ad hoc advisory committee.

**975.6** Any party may appear in person before the Wage-Hour Board or through a representative. The representative is not required to be an attorney.

**975.7** This section became effective December 29, 1978.

**976            PROCEDURES OF AD HOC ADVISORY COMMITTEES**

**976.1** Notices of meetings of ad hoc advisory committees appointed by the Wage-Hour Board may be published in the District of Columbia Register. Each notice shall contain the date, time, and place of the meeting.

**976.2** Members of the public attending meetings of ad hoc advisory committees may, subject to limitations the committee may impose, participate in the meeting upon committee approval of a written request submitted at least three (3) days in advance of the meeting (which may be waived by the committee) by the persons wishing to participate.

**976.3** A verbatim transcript may be maintained of the proceedings of the committee. The transcript shall be available, upon request, to any member of the committee for examination in the office of the Wage-Hour Board. Copies of transcripts may be purchased directly from the commercial reporting company which provides stenographic services to the committee.

**976.4** Ad hoc advisory committees may decide how often they will meet, keeping in mind the sixty (60) day limitation imposed by the District of Columbia Minimum Wage Act.

**976.5** An affirmative vote by a majority of the members of a committee is required for a matter to be adopted.

**976.6** Conduct of meetings of committees shall be governed by Roberts Rules of Order.

**976.7** The member of the Wage-Hour Board appointed as an ex officio member of the committee shall have the right to participate fully in the meetings of the committee, but shall not have the right to vote, nor be counted for a quorum.

**976.8** This section became effective December 29, 1978.



**AMOUNT OF WAGES OF EMPLOYEES WHICH MAY BE SUBJECTED TO  
GARNISHMENT PROCEEDINGS FOR PAY PERIODS OTHER THAN WEEKLY**

977.1

The maximum part of the disposable wages of any individual for pay periods other than weekly pay periods which may be subjected to garnishment are established as follows:

(a) Where the pay period is for less than one (1) workweek, the exemption from garnishment shall be the same as that for a weekly pay period. Thus, so long as the Federal minimum wage prescribed by §6(a)(1) of the Fair Labor Standards Act of 1938 is three dollars and thirty-five cents (\$3.35) an hour, the following formula shall apply:

- (1) If an individual's disposable wages paid or payable for a pay period of less than one (1) workweek are one hundred dollars and fifty cents (\$100.50), thirty times three dollars and thirty-five cents ( $30 \times \$3.35$ ) or less, wages may not be garnished in any amount;
- (2) If an individual's disposable wages paid or payable for a pay period of less than one (1) workweek are more than one hundred dollars and fifty cents (\$100.50), but less than one hundred thirty-four dollars (\$134), only the amount above one hundred dollars and fifty cents (\$100.50) of disposable wages shall be subject to garnishment; or
- (3) If an individual's disposable wages paid or payable for a pay period of less than one (1) workweek are one hundred thirty-four dollars (\$134) or more, not more than twenty-five percent (25%) of disposable wages shall be subject to garnishment.

(b) Where the pay period is longer than one (1) workweek, the weekly statutory exemption formula shall be transformed to a formula, providing equivalent restrictions on wage garnishment as follows:

- (1) The twenty-five percent (25%) part of the formula shall apply to the aggregate disposable wages for all the work-weeks or fractions thereof compensated by the pay for the pay period;

977

**AMOUNT OF WAGES OF EMPLOYEES WHICH MAY BE SUBJECTED TO  
GARNISHMENT PROCEEDINGS FOR PAY PERIODS OTHER THAN WEEKLY  
(Continued)**

977.1

(Continued)

(2) The "multiple" of the Federal minimum hourly wage equivalent to that applicable to the disposable wages for one (1) week shall be represented by the following formula: the number of workweeks, or fractions thereof times (x) thirty (30) times three dollars and thirty-five cents ((x) x 30 x \$3.35) (the applicable Federal minimum wage). For the purpose of this formula, a calendar month is considered to consist of four and one-third ( $4 \frac{1}{3}$ ) workweeks. Thus, so long as the Federal minimum wage is three dollars and thirty five cents (\$3.35) an hour, the "multiple" applicable to the disposable wages shall be computed as follows:

(i) For a two week period, two hundred and one dollars (\$201, two times thirty times three dollars and thirty-five cents ( $2 \times 30 \times \$3.35$ );

(ii) For a monthly period, four hundred thirty-five dollars and fifty cents (\$435.50), four and one-third times thirty times three dollars and thirty-five cents ( $4 \frac{1}{3} \times 30 \times \$3.35$ ); and

(iii) For a semimonthly period, two hundred and seventeen dollars and seventy-five cents (\$217.75), two and one-sixth times thirty times three dollars and thirty-five cents ( $2 \frac{1}{6} \times 30 \times \$3.35$ ).

(3) The "multiple" for any other pay period longer than one (1) week shall be computed in a manner consistent with this paragraph.

977.2

This section became effective January 1, 1981.

**§§978 - 998      RESERVED**



- 999.1 The following words and phrases used in this chapter applicable to the District of Columbia Wage Payment and Wage Collection Law shall have the meanings ascribed:

**Administrative Capacity** - A person employed in a bona fide administrative capacity shall mean an employee who is compensated on a salary or fee basis at a rate of not less than one hundred and fifty dollars (\$150) per week (exclusive of board, lodging, or other facilities) and whose primary duty consists of the performance of substantially important office or nonmanual field work directly related to management policies requiring the exercise of discretion and independent judgment. An employee who owns an interest in the enterprise in which he or she is employed and performs the duties listed above shall be considered to be employed in a bona fide administrative capacity regardless of the salary.

**Executive Capacity** - A person employed in a bona fide executive capacity shall mean an employee who is compensated on a salary basis at a rate of not less than one hundred and fifty dollars (\$150) per week (exclusive of board, lodging, or other facilities) and whose primary duty consists of the management of the enterprise in which he or she is employed or of a customarily recognized department thereof and includes the customary and regular direction of the work of two (2) or more other employees. An employee who owns an interest in the enterprise in which he or she is employed and performs the duties listed above shall be considered to be employed in a bona fide executive capacity regardless of the salary.

**Professional Capacity** - A person employed in a bona fide professional capacity shall mean an employee who is compensated on a salary or fee basis at a rate of not less than one hundred and fifty dollars (\$150) per week (exclusive of board, lodging, or other facilities) and whose primary duty consists of the performance of work either requiring knowledge of an advanced type in a field of science or learning, which includes work requiring the consistent exercise of discretion and judgment, or requiring invention, imagination, or talent in a recognized field of artistic endeavor. An employee who performs the duties listed above and owns an interest in the enterprise in which he or she is employed and is actually engaged therein shall be considered to be employed in a bona fide professional capacity regardless of the salary.

- 999.2 The following words and phrases used in this chapter applicable to the District of Columbia Minimum Wage Act of 1918, as amended, shall have the meanings ascribed:

**Employ** - includes to suffer or permit to work. Individuals shall be considered to be employed in the District of Columbia when they regularly spend more than fifty percent (50%) of their working time in the District of Columbia or their employment is based in the District of Columbia and they regularly spend a substantial amount of their working time in the District of Columbia and not more than fifty percent (50%) of their working time in any particular state.



**999 DEFINITIONS (Continued)**

**999.2 (Continued)**

**Employee** - Includes any individual employed by any employer except that such term shall not include the following:

- (1) Any individual who, without payment and without expectation of any gain, directly or indirectly, volunteers to engage in the activities of an educational, charitable, religious, or nonprofit organization;
- (2) Any lay member elected or appointed to office within the discipline of any religious organization and engaged in religious functions;
- (3) Any individual employed as a casual babysitter in or about the residence of the employer;
- (4) Any individual who is a bona fide renter of a beauty booth or barber chair, or
- (5) Any individual who is a student enrolled in and attending a beauty culture school or barber college even though the student performs beauty or barbering services on customers who pay the school for such services.

**Employer** - includes any individual, partnership, association, corporation, business trust, or any person or group of persons, acting directly or indirectly in the interest of an employer in relation to an employee, but shall not include the United States or the District of Columbia.

**Handicapped Worker** - a person whose earning capacity has been determined by the Wage-Hour Board to be impaired by physical or mental deficiency or injury for the work he or she is to perform.

**Occupation** - any occupation, service, trade, business, industry, or branch or group of occupations or industries or employment or class of employment, in which employees are gainfully employed.

**Regular Rate** - all remuneration for employment paid to, or on behalf of, the employee, but shall not be considered to include the items set forth in the Fair Labor Standards Act of 1938, as amended, 29 USC §207(e)(1), (2), (3), (4), (5), (6), and (7). Extra compensation paid as described in §207(e)(5), (6), and (7) shall be creditable toward overtime compensation payable pursuant to §913 of this chapter.

**Split Shift** - a schedule of daily hours in which the hours worked are not consecutive, except that a schedule in which the total time out for meals does not exceed one (1) hour shall not be considered a "split shift".

**999            DEFINITIONS            (Continued)**

**999.2            (Continued)**

**Uniform** - any item of clothing (including hats and shoes) or ornament worn by the employee as a condition of employment. It shall be a presumption that uniforms are worn as a condition of employment if the clothing is of a similar design, material, or color (including black and white), contains the employer's name or insignia, or forms part of the decorative pattern of the establishment.

**Wage** - compensation due to an employee by reason of his or her employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, including such allowances as may be permitted by any order or regulations issued under §§3, 6, 7, or 8 of the District of Columbia Minimum Wage Act of 1918, as amended.

**Working Time** - all time the employee:

- (1) Is required to be on the employer's premises, on duty, or at a prescribed place;
- (2) Is permitted to work;
- (3) Is required to travel in connection with the business of the employer; or
- (4) Waits on the employer's premises for work.

Interpretations of what constitutes "working time" shall be made in accordance with Title 29 Code of Federal Regulations, Part 785, Hours Worked Under the Fair Labor Standards Act of 1938, as amended, except that references to interpretations of the Portal-to-Portal Act shall have no force and effect.

**Workweek** - a fixed and regularly recurring period of seven (7) consecutive days.